

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

Snider

v.

Corbett, et al.

FILED
SCRANTON

MAY 06 2019

PER

AMW
DEPUTY CLERK

: Civil No. 4:13-CV-1226
: (Judge Matthew Brann)
: (Chief Magistrate Susan Schwab)
:
: *Complaint filed May 3, 2013*
: JURY TRIAL DEMANDED

PLAINTIFF'S MOTION FOR RELIEF FROM FINAL
JUDGEMENT UNDER FED.R.CIV.P. 60

Honorable Court:

Plaintiff Joel Snider, pro se, respectfully moves this court for relief from the final order of Apr. 27, 2019, under Fed.R.Civ.P. 60 for the following reasons:

1. Mr. Snider has a mental health disability. During the time he needed to pursue his legal claims, he was incapacitated due to his disability. Mr. Snider respectfully submits that this court failed to make an inquiry under Fed.R.Civ.P. 17 and did not appoint a guardian ad litem to protect Mr. Snider or his legal interests. Consequently, Mr. Snider was unable to have any meaningful opportunity to pursue his claims.

2. Accordingly, Mr. Snider submits this court should not have reached the merits of any pleadings or matters in this case prior to the entry of appearance of Attorney Morgan-Kurtz.

3. Due to repeated and intense abuse and obstruction by prison officials during the time Mr. Snider needed to pursue his claims, he was impeded from any meaningful opportunity to pursue his claims.

4. During the time Mr. Snider needed to pursue his claims, he was completely unfamiliar with civil law, federal procedure, the claims which could be made under 42 U.S.C. §§ 1983, 1985, 12132 & 12203, and 29 U.S.C. § 794. He was completely unfamiliar with how to perform legal research. Consequently, Mr. Snider was impeded from any meaningful opportunity to pursue his claims.

5. During the time Mr. Snider needed to pursue his claims, prison officials blatantly refused to ensure his meaningful access to court, and attempted to cover-up his need for legal assistance. Consequently, Mr. Snider was impeded from any meaningful opportunity to pursue his claims.

6. During the time Mr. Snider needed to pursue his claims, prison officials refused to make reasonable accommodations for his mental health disability and discriminated against him by reason of disability, including isolating him for long periods of time. Consequently, Mr. Snider was impeded from any meaningful opportunity to pursue his claims.

7. Union County ("Union") and Warden Doug Shaffer, by and through their counsel Robert Read, Esq. fraudulently misrepresented to this court and to Mr. Snider that Warden Doug Shaffer was not personally involved in contracting with Snyder County Prison ("SCP"), Clinton County Correctional Facility ("CCCF"), and the Pennsylvania Dep't of Corrections ("PA DOC") to house Mr. Snider in their facilities while in Union's custody, that Warden Shaffer was not per-

sonally involved in arranging the transfers of Mr. Snider between those prisons, and that Warden Shaffer was not personally involved in the retaliatory transfer of Mr. Snider from CCCF to the PA DOC occurring on May 7, 2013.

8. Mr. Snider has obtained newly-discovered evidence showing Warden Shaffer was personally involved in the above mentioned activities. This evidence consists of emails written by Warden Shaffer and documents signed by Warden Shaffer when he petitioned the PA DOC for Mr. Snider's transfer and supported that petition with false documentation written by CCCF officials, etc.. This evidence was obtained by Mr. Snider on Feb. 13, 2019 and could not have been obtained by him prior to this, even with reasonable diligence. Notably, prior to obtaining this evidence on Feb. 13, 2019, the PA DOC claimed it did not exist.

9. Mr. Snider is grateful for the representation of Attorney Morgan-Kurtz and of Pennsylvania Institutional Law Project. He is grateful for the appointment of counsel provided by this court. Notwithstanding, Attorney Morgan-Kurtz chose which claims to pursue in this case after her entry of appearance. When Mr. Snider objected to the limited scope of her representation and explained the related claims he was attempting to pursue, she advised him that she would seek discovery about those claims and that upon obtaining evidence to support those claims that she would file a third amended complaint. She did not seek such evidence and never filed a third amended complaint. Consequently, Mr. Snider was impeded from any meaningful opportunity to pursue his claims other than the claims Attorney Morgan-Kurtz chose to pursue.¹

10. For the above reasons, and under the provisions of Fed.R.Civ.P. 60, Mr. Snider

¹ On July 17, 2018 Mr. Snider and CCCF defendants agreed to settle only the claims raised in the Second Amended Complaint (ECF No. 222) against them. This agreement did not include settlement of any other claims or preclude Mr. Snider from pursuing any claims other than those which were agreed to be settled on that day.

should be granted relief from the final judgement entered on Mar. 27, 2019 in this case, regarding:

- (a) The dismissal (ECF No. 20) of the original complaint (ECF No. 1) and of the supplementary complaint (ECF Nos. 12-13);
- (b) The dismissal (ECF No. 65 & 72) of the motion (ECF No. 59) to preserve elements of the original complaint, and of Warden Doug Shaffer from the case;
- (c) The dismissal (ECF Nos. 141 & 174) of the motions (ECF Nos. 97-98 & 110) for leave to amend and the proposed amendments (ECF Nos. 99, 103, 110);
- (d) The dismissal (ECF No. 212) of the motion (ECF Nos. 182-183) for leave to amend along with the proposed amendments (Id), and of the motion to bifurcate the case (ECF Nos. 184-185);
- (e) The "dismissal"² of CCCF defendants for the retaliation claims in the First Amended Complaint, including the retaliatory transfer to PA DOC. These defendants and the claim were accepted by the court (ECF Nos. 62-66) and not actually dismissed by the court, but were not placed onto the Second Amended Complaint, by choice of Attorney Morgan-Kurtz.

11. According to M.D. LCvR 7.5, Mr. Snider will file a brief in support of this motion within fourteen (14) days.

WHEREFORE, Plaintiff Joel Snider respectfully moves this court to grant relief from final judgement under Fed.R.Civ.P. 60.

Date: Apr. 24, 2019

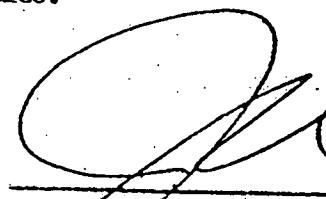


Joel Snider
KZ8124
PO Box 1000
Houtzdale, PA 16698

VERIFICATION

I certify that the matters alleged herein are true and correct to the best of my knowledge, information and belief, under penalty of perjury. Statements herein are made subject to the penalties of 18 Pa. C.S. § 4904, relating to unsworn falsification to authorities.

Date: Apr. 24, 2019



Joel Snider

RZ8124

SCI - Houtzdale

PO Box 1000

Houtzdale, PA 16698

CERTIFICATE OF SERVICE

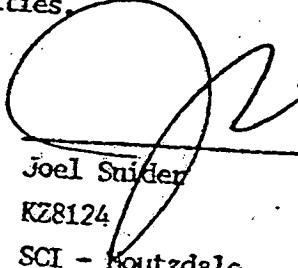
I certify that on this day I caused to be served upon the persons below a true and correct copy of "Plaintiff's Motion For Relief From Final Judgment Under Fed.R.Civ.P. 60" via first class U.S. mail by placing it into the mailbox at SCI - Houtzdale. Postage will be deducted from my inmate account.

John Ninosky, Esq.
100 Corporate Ctr. Drive
Suite 201
Camp Hill, PA 17011

Robert Mix, Esq.
115 E. High Street
Lockdrawer 179
Bellfonte, PA 16823

I certify that the matters alleged herein are true and correct to the best of my knowledge, information and belief, under penalty of perjury. Statements herein are made subject to the penalties of 18 Pa. C.S. § 4904, relating to unsworn falsification to authorities.

Date: Apr. 24, 2019

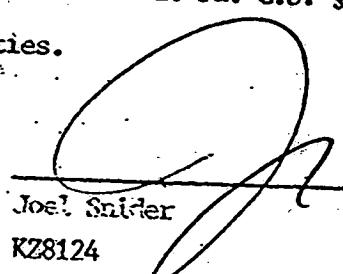

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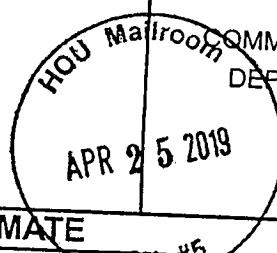
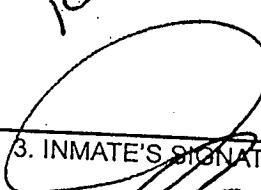
DECLARATION REGARDING FILING DATE

I certify that on this day I placed this "Plaintiff's Motion For Relief From Final Judgement Under Fed.R.Civ.P. 60" into the prison mailbox at SCI - Houtzdale to be mailed U.S. first class to the U.S. District Court for the Middle District of Pennsylvania. Postage will be deducted from my inmate account. According to Prisoner's Mailbox Rule, this document is to be considered "filed" on this day. See Houston v. Lack, 487 U.S. 266, 273-76 (1988); Commonwealth v. Castro, 766 A.2d 1259 (Pa. Super. 2001).

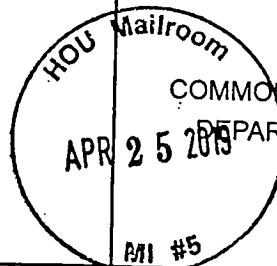
I certify that the matters alleged herein are true and correct to the best of my knowledge, information and belief, under penalty of perjury. Statements herein are made subject to the penalties of 18 Pa. C.S. § 4904, relating to unsworn falsification to authorities.

Date: Apr. 24, 2019


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Houtzdale, PA 16698

DC-138A			
CASH SLIP			
1. REQUISITIONING INMATE			
DOC NUMBER <i>KZ8124</i>	NAME (PRINT) <i>Joe Snider</i>	MI # <i>15</i>	LOCATION <i>E849</i>
2. ITEMS TO BE CHARGED TO MY ACCOUNT			
Postage for State envelope: Clerk of Court U.S. District Court Middle District - PA PO Box 1148 Scranton, PA 18501			
<i>65</i> <i>50</i>			
3. INMATE'S SIGNATURE 		4. OFFICIAL APPROVAL <i>Inmate Csg.</i>	
5. BUSINESS OFFICE'S SPACE			
CHARGE ENTERED \$	DATE	BOOKKEEPER	

DC-138A

CASH
SLIPCOMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS

1. REQUISITIONING INMATE

DOC NUMBER	NAME (PRINT)	LOCATION	DATE
XZ0124	Joel Snider	ESB49	4-24-19

2. ITEMS TO BE CHARGED TO MY ACCOUNT

Postage for state envelope:

John Nidosty, Esq.
100 Corporate Ctr. Drive
Suite 201
Camp Hill, PA 17011

65
150

3. INMATE'S SIGNATURE

5. BUSINESS OFFICE'S SPACE

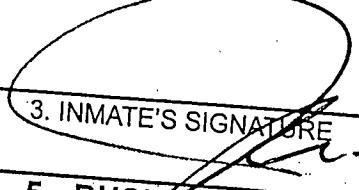
CHARGE ENTERED.
\$

DATE

4. OFFICIAL APPROVAL

Inmate Copy

BOOKKEEPER

DC-138A			
CASH SLIP		HOU Mailroom COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF CORRECTIONS	
1. REQUISITIONING INMATE <small>IN #5</small> DOC NUMBER K28124 NAME (PRINT) Joe Snider LOCATION E849 DATE 4-24-19 2. ITEMS TO BE CHARGED TO MY ACCOUNT			
Postage for State envelope: Robert Mix, E82. 115 E. High Street Lock drawer 179 Bellefonte, PA 16823 65 15 80			
3. INMATE'S SIGNATURE 		4. OFFICIAL APPROVAL Inmate Copy	
5. BUSINESS OFFICE'S SPACE			
CHARGE ENTERED \$	DATE	BOOKKEEPER	

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legal mail